

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Karl Friedrich Laible
Application Number: 10/725,088
Filing Date: 12/01/2003
Group Art Unit: 3637
Examiner: Hanh Van Tran
Title: COLD GOODS CONTAINER FOR A COOLING APPARATUS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

Applicant is in receipt of an Advisory Action dated July 6, 2009 denying entry of applicant's Amendment of June 15, 2009. Applicant respectfully requests the Examiner reconsider the decision to deny entry of the proposed Amendment for the reasons that follow:

In applicant's response of June 15, 2009, applicant merely cancelled claims 3 and 15. No further amendments were made to any of the claims. Thus, the Amendment raised no new issues requiring any further consideration and/or search on the Examiner and, by definition, removes issues for appeal. Accordingly, and with reference to Section 714.13 of the MPEP, applicant urges the Examiner to reconsider and enter the Amendment of June 15, 2009.

In addition, the Examiner indicated that if the Amendment of June 15, 2009 were entered, claim 14 would be rejected under 35 U.S.C. 112 second paragraph for failing to clearly define the meets and bounds of the claimed invention. However, claim 14 was not amended in the June 15, 2009 response. On the other hand, the listing of claims that accompanied the response was incorrect in that the word "hook" was inadvertently omitted in claim 14 after the language "has at

least one”. Claim 14 of record, however, contains the limitation “wherein said guide rail has at least one hook”. The typographical error in the listing of claims accompanying the amendment of June 15, 2009 was not an amendment to claim 14 as indicated by the characterization “(previously presented)” and as confirmed in the first paragraph of the “Remarks”. For the Examiner’s convenience, a corrected listing of claims is attached.

Applicant attempted to call the Examiner to explain the status of claim 14 but those calls were not returned, hence this formal Request. In any event, it is respectfully submitted that the perceived Section 112 issue raised by applicant’s response of June 15, 2009 is in fact a non-issue, and the amendment of June 15, 2009 should be entered. Early action on the request is requested so that applicant can proceed with the preparation of an Appeal Brief.

Respectfully submitted,

/James E. Howard/

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